IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WA.No. 1873 of 2007()

AGAINST THE JUDGEMENT IN WPC.30771/2005 Dated 20/03/2007
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APPELLANT: PETITIONER:

S.R.SUBHADRA, KAVANAL HOUSE,
CHUNKAM, KOLANI P.O., THODUPUZHA.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), IDUKKI, PAINAVU.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

3. THE THODUPUZHA URBAN CO-OPERATIVE BANK LIMITED NO.394, THODUPUZHA, IDUKKI DISTRICT, REPRESENTED BY ITS GENERAL MANAGER.

4. THE STATE OF KERALA, REPRESENTED BY THE SPECIAL SECRETARY, CO-OPERATIVE DEPARTMENT, THIRUVANANTHAPURAM.

BY SRI.T.R. HARIKUMAR FOR R3
GOVERNMENT PLEADER SRI.BENNY GERVASIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ

W.A. 1873/2007

Dated this the 13th day of September, 2007

JUDGMENT

Radhakrishnan, J

Writ petition was preferred by the appellant herein seeking a writ of mandamus directing the respondents 1 and 2 to take appropriate action against the third respondent and to issue a direction to the third respondent to consider Ext.P1 application filed by the petitioner before the third respondent and to give employment to her under the Dying-in-Harness Scheme and also sought for a direction to the third respondent to calculate and either pay to the petitioner or to adjust in the housing loan account of the petitioner's deceased husband, his service benefits.

2. Ext.P7 is a direction issued by the Joint Registrar to the Bank to consider her for employment under the Dying in Harness Scheme. The learned Single Judge dismissed the petition holding that this Court is not justified in issuing any such directions since the bank has already moved the Arbitrator.

3. Considering the facts and circumstances, this appeal is disposed of directing the third respondent to

consider Ext.P1 application and pass appropriate orders within a period of one month from the date of receipt of a copy of this judgment. Since the Arbitration case is pending, we are not giving a direction to calculate and adjust the amount in the housing loan account which is a matter to be decided by the Bank in accordance with law. Arbitration proceedings if any is pending, shall be expedited, after giving an opportunity of being heard the petitioner.

K.S.RADHAKRISHNAN
Judge

A.K.BASHEER
Judge

mrcs